



SLUM REHABILITATION AUTHORITY
BEFORE THE CHIEF EXECUTIVE OFFICER,
SLUM REHABILITATION AUTHORITY

No. SRA/ENG/1257/PN/STGL/LOI
No. SRA/ENG/2339/HE/MMRDA/LOI

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. Foremost Realtors Pvt. Ltd.
Omkar Esquire, Off Eastern Express Highway,
Opp Sion Chunabhatti Signal,
Sion, Mumbai - 400 022
2. M/s. Anand V. Dhokay
F/63, Palm Acres CHS
Mahatma Phule Road,
Mulund (East), Mumbai - 400 081
3. Shree Ganraj SRA CHS Ltd.
CTS No.291-A(Pt) of Village Kurar,
At Tanaji Nagar, Malad (East),
Mumbai - 400 097.
4. Dr. Babasaheb Ambedkar Nagar SRA
CHS (Prop.) & Bharat Ekta CHS,
CTS No.7643 (pt), 7643/1(pt), 7643/2(pt),
7643/3(pt), 7716(pt) & 4207(pt)
of Village Kolkalyan, Bharat Nagar,
Bandra (East), Mumbai - 400 051



... Respondents

**Sub.: Suo Moto proceedings u/s 13(2) of Maharashtra Slum Areas (I,
C & R) Act, 1971.**

ORDER

(Passed on - 29 FEB 2024)

These Suo-Moto proceedings are initiated in respect of clubbed
Slum Rehabilitation Scheme on land bearing CTS No.291-A(Pt.) of Village
Kurar at Tanaji Nagar and CTS No.7643(pt), 7643/1(pt.), 7643/2(pt),
7643/3(pt), 7716(pt) & 4207(pt)

7643/3(pt), 7716(pt) & 4207(pt) of Village Kolekalyan for Respondent No.3 & 4 Societies. Hereinafter the abovesaid Slum Rehabilitation Scheme is referred to and called as "subject SR Scheme".

BRIEF FACTS

From the factsheet it appears that CTS No.291-A(Pt.) of Village Kurar at Tanaji Nagar for Respondent No.3 Society was submitted by Respondent No.1 and same is duly accepted on 06.01.2006. The said land is owned by State Government. The Competent Authority issued Annexure-II for 208 slum dwellers out of which 132 slum dwellers are eligible. The Letter of Intent was issued 26.11.2010. The factsheet further reveals that another SR Scheme on plot of land bearing CTS No.7643(pt), 7643/1(pt.), 7643/2(pt), 7643/3(pt), 7716(pt) & 4207(pt) of Village Kolekalyan for Respondent No.4 was submitted by Respondent No.1 and same is duly accepted on 15.04.2010. The Competent Authority issued Annexure-II for 519 slum dwellers out of which 324 slum dwellers are eligible. Letter of Intent was issued on 30.10.2010. Thereafter both the SR Schemes were clubbed and clubbing Letter of Intent was lastly issued on 01.10.2018. The Slum Rehabilitation Authority has issued Intimation of Approval, Commencement Certificate, Occupation Certificate, etc. to subject SR Scheme.

The Fact sheet further reveals that in respect of SR Scheme situated at P/N Ward of Shree Ganraj SRA CHS Ltd., the Respondent No.1 has rehabilitated 87 slum dwellers out of 132 slum dwellers. So far as the SR Scheme at H/E Ward of Dr. Babasaheb Ambedkar Nagar SRA CHS (Prop.) & Bharat Ekta CHS is concern, the Respondent No.1 has rehabilitated 130 slum dwellers out of 324 eligible slum dwellers.

The Assistant Registrar (W.S.)/SRA submitted a note stating that co-operative department has received a complaints from members of Respondent No.3 and 4 societies in respect of transit rent. So, the explanation was called from Respondent No.1. Since the Respondent No.1 failed to submit details of payment of transit rent of these slum dwellers, the Assistant Registrar has proposed action u/s 13(2) of the Maharashtra Slum Areas (I, C & R) Act, 1971 against Respondent No.1.



HEARING

The matter is heard on 27.10.2023 and 09.11.2023. On 09.11.2023, Shri. Halde remain present on behalf of Respondent No.1. None appeared on behalf of Respondent No.3 and 4 Societies. Heard Respondent No.1 in respect of inordinate delay and nonpayment of rent in subject SR Scheme and the matter was closed for order. Direction were given to submit written submission within 7 days.

ARGUMENT OF RESPONDENT NO.1 (DEVELOPER)

It is the case of Respondent No.1 that they are implementing SR Scheme of Respondent No.3 & 4 Societies. The SR Scheme of Respondent No.3 is clubbed with Scheme of Respondent No.4 societies. Due to multiple litigations of some of the disgruntled members of Bharat Ekta SRA CHS before the Hon'ble Supreme Court, the action u/s 33 & 38 of the Slum Act could not be initiated and due to which access to sale portion of clubbed SR Scheme is blocked. It is further version of Respondent No.1 that they have deposited the transit rent of these slum dwellers with Slum Rehabilitation Authority and there are no any dues pending.

ISSUES

From the facts and circumstances on record the issue that arise for determination of this Authority is as to whether there is nonperformance and inordinate delay on the part of Respondent No.1 in implementation of subject SR Scheme.

REASONS

The fact sheet of engineering department reveals that SR Scheme on land CTS No.291-A(Pt.) of Village Kurar at Tanaji Nagar for Respondent No.3 society was submitted by Respondent No.1 and same is duly accepted on 06.01.2006. The factsheet further reveals that another SR Scheme on plot of land bearing CTS No.7643(pt), 7643/1(pt.), 7643/2(pt), 7643/3(pl), 7716(pt) & 4207(pt) of Village Kolekalyan for Respondent No.4 societies was submitted by Respondent No.1 and same is duly accepted on 15.04.2010. Thereafter both the SR Schemes were clubbed and clubbing Letter of Intent was lastly issued on 01.10.2018. The Slum

Rehabilitation Authority has issued Intimation of Approval, Commencement Certificate, Occupation Certificate, etc. to subject SR Scheme. The record further reveals that till date the Respondent No.1 has rehabilitated 87 slum dwellers of Respondent No.3 society and 130 slum dwellers of Respondent No.4 societies.

The note of Assistant Registrar/SRA dated 05.12.2023 reveals that Assistant Registrar has directed the Respondent No.1 to pay the pending rent to slum dwellers of Respondent No.3 society as per circular no.153. Since the Respondent No.1 failed to comply with the said directions so the proceedings u/s 13(2) of the Maharashtra Slum Areas (I, C & R) Act, 1971 is initiated against Respondent No.1. The report of co-operative department further reveals that during pendency of proceeding, the Respondent No.1 has deposited the arrears of rent amounting to Rs.2,93,46,000/-.

Now, it is necessary to verify as to whether there is nonperformance and inordinate delay in implementation of subject SR Scheme on the part of Respondent No.1. The present proceeding is initiated on account of non-payment of rent to some of the slum dwellers. It is evident from the note of Assistant Registrar that there is no any dues pending in respect of transit rent.

The developers implementing the SR Schemes are expected to complete the Scheme and rehabilitate the slum dwellers within reasonable time. This Authority is conscious of the delay occurred in implementation of subject SR Scheme. For action u/s 13 (2) of the Maharashtra Slum Areas (I, C & R) Act, 1971, this Authority is required to verify the facts and cause of delay. Merely for the reason that the scheme is not completed within reasonable time the inference cannot be drawn of willful delay or incompetence of the developer. It is necessary to look into the factual aspect which resulted in delay in completion of the Scheme. In present case fact sheet of engineering department reveals that, the 87 slum dwellers of Respondent No.3 society and 130 slum dwellers of Respondent No.4 societies are duly rehabilitated with Occupation Certificate. Considering these facts it will not be proper to terminate the Respondent No.1 as developer merely due to nonpayment

of transit rent. Though separate notices were issued to Respondent No.3 i.e. Shree Ganraj SRA CHS Ltd and Respondent No.4 i.e. Dr. Babasaheb Ambedkar Nagar SRA & Bharat Ekta CHS in respect of nonpayment of rent on the part of Respondent No.1 but the said SR Schemes are subsequently clubbed together so this Authority proceeds to pass common order in both these proceedings.

On careful consideration of these facts and circumstances this Authority is of opinion that there is no intentional delay on the part of Respondent No.1 and reasonable time needs to be given to Respondent No.1 for implementation of subject SR Scheme. Accordingly following order is passed.

ORDER

1. The proceedings initiated u/s 13(2) of Maharashtra Slum Areas (I, C & R) Act, 1971 against Respondent No.1 i.e. M/s. Foremost Realtors Pvt. Ltd. in respect of subject SR Scheme i.e. CTS No.291-A(Pt.) of Village Kurar at Tanaji Nagar and CTS No.7643(pt), 7643/1(pt.), 7643/2(pt), 7643/3(pt), 7716(pt) & 4207(pt) of Village Kolkalyan for "Shree Ganraj SRA CHS Ltd. and Dr. Babasaheb Ambedkar Nagar SRA CHS (Prop.) & Bharat Ekta CHS" are hereby dropped.
2. The Respondent No.1 developer is at liberty to proceed further with the subject SR Scheme since he has deposited pending amount of rent of Rs. 2,93,46,000/-.
3. The Respondent No.1 to comply the provisions of circular no.210 of Slum Rehabilitation Authority before applying for further permissions.

Place: - Mumbai

Date:-

29 FEB 2024

Chief Executive Officer
Slum Rehabilitation Authority

No. SRA/CEO Order/ Shree Ganraj SRA CHS Ltd. & Ors./ 16 /2024

Date:

29 FEB 2024

Copy to:

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of Village Kolkalyan, Bharat Nagar,
Bandra (East), Mumbai - 400 051
5. Dy. Chief Engineer/SRA
6. Executive Engineer (P/N Ward)/SRA
7. Executive Engineer (H/E Ward)/SRA
8. Deputy Collector (Spl. Cell)/SRA
9. Financial Controller/SRA
10. Assistant Registrar (W.S.)/SRA
11. DDLR/SRA
- ✓ 11. Information Technology Officer/SRA
12. Chief Legal Consultant/SRA

